

Fabien Thayamballi

From: Burke, Dennis K. <BurkeD@ballardspahr.com>
Sent: Tuesday, April 24, 2018 12:20 PM
To: 'Neil L.Glazer'
Subject: RE: Clifton Park Storage Unit

Just asking you to stand down until we talk to the AUSA. That's it. Thanks, Neil.

I said privilege on Friday when we met in person.

You shouldn't be giving the FBI access because you don't have lawful access. Your client quit more than 2 years ago from menial tasks she performed, like moving boxes, and now her lawyer shows up wanting to index our confidential files. Unimpressive.

-----Original Message-----

From: Neil L.Glazer [mailto:nlgazer@kohnswift.com]
Sent: Tuesday, April 24, 2018 8:42 AM
To: Burke, Dennis K. (PHX)
Subject: Re: Clifton Park Storage Unit

Well, this is the very first time you have mentioned the word "privilege." So if any problem is being "compounded" by that, it's not because of my actions. I don't "rummage" through privileged materials. Ever. I segregate them.

I've given you 13 days to find a solution, I've proposed a number, and here we still are. You've dragged this out, and I have an April 26 return date. Yet, somehow, this is my client's fault, or my fault, or anyone's fault other than your client. And you seem unable to help yourself from ascribing it to some wrongdoing or impropriety, often based upon flawed assumptions and an incomplete grasp of the facts. Unimpressive.

I understand why you are searching for a different outcome. I've tried to approach this cordially. I have not rushed, when I absolutely could have. I have been acting in good faith, and I have gone out of my way to demonstrate the same to you. Loosely casting aspersions on me, and on my client, is not exactly a hallmark of someone operating at the pinnacle of the bar. It's not how I was taught, it's not how I ever practice; unless there are demonstrable facts, I do not attribute unethical conduct to any attorney. This fails to inspire in me any desire to extend further courtesies, make any accommodations, or undertake the slightest effort in the spirit of cooperation.

I'll remind the EDNY that I can meet FBI at the unit and give them access, if they desire. If not, I don't need to "rummage" through anything. I can very quickly identify which entity's or person's documents are in a file without reviewing a single document.

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On 4/24/18, 10:02 AM, "Burke, Dennis K." <BurkeD@ballardspahr.com> wrote:

Please acknowledge receipt. Speaking with the United States Attorney's Office, today. You have no authority to be rummaging through our documents compounded by you being notified of privileged material included in them.

Sent from my iPhone

On Apr 23, 2018, at 8:08 PM, Burke, Dennis K. (PHX) <BurkeD@ballardspahr.com<mailto:BurkeD@ballardspahr.com>> wrote:

Neil –

You stated earlier to me, "If you object to my client complying with the subpoena, I can stand aside and convey that to the EDNY."

We do object.

Your client is not the owner of the documents in question and has no authority to access, much less to review, these documents, some of which belong to ESF and others to Clare Bronfman. On behalf of both ESF and Ms. Bronfman, we are so notifying the U.S. Attorney's Office.

In the meantime, you and your client have no authority whatsoever to "index all containers, and then review the documents" as you told me you intend to do. Accordingly, you should take no steps to review these documents, some of which may include privileged information, including attorney-client communications.

Both ESF and Ms. Bronfman reserve all their legal rights and remedies and nothing herein may be construed to constitute waiver of any kind.

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Thank you.